

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
MONDAY, APRIL 18, 2005 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-S400: Accepting Gift from the Jane Cameron Estate.

(La Jolla Community Area. District 1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1061)

Accepting the generous donation from the estate of Jane Cameron on behalf of the La Jolla/Riford Branch Library in an amount anticipated to be \$3.2 million;

Directing the City Auditor and Comptroller to establish a “Jane Cameron La Jolla Library Fund ” as a trust fund to be used solely for the La Jolla/Riford Branch Library;

Authorizing the City’s Real Estate Assets Department to sell real estate assets which are part of the donation, including the former residence of Jane Cameron in La Jolla, and interests in two limited partnerships, with proceeds to be placed, net of costs related to the sale of the assets, in the Jane Cameron La Jolla Library Fund.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego (City) is the designated beneficiary of a generous charitable donation in the estate of Jane Cameron, deceased. The estate donation has been valued by the Probate Court at approximately \$3,200,000.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S400:

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Ms. Cameron, a life time resident of La Jolla and an individual who often used the La Jolla/Riford Branch Library (La Jolla Branch), wished the considerable assets of her estate to enable the City to provide for the current and future well-being of this facility. Ms. Cameron's estate stipulation in this regard indicates:

I give the residue of my estate to the CITY OF SAN DIEGO, for the exclusive use of the La Jolla Branch of the SAN DIEGO PUBLIC LIBRARY. This bequest may be used for the expansion of the La Jolla branch of the SAN DIEGO PUBLIC LIBRARY, for the improvement of the existing library building, or for the improvement or maintenance of the collection at the La Jolla branch.

The estate assets donated to the City are: 1) cash, 2) Ms. Cameron's residence in La Jolla, and 3) Ms. Cameron's investment interests in two limited partnerships.

City staff agrees that:

1. The prudent and best course for the City regarding the non-cash assets in the estate is to take advantage of the expertise of the Real Estate Assets Department to liquidate these assets and, in turn, invest the net proceeds of these sales to the benefit of the La Jolla Branch.
2. Updated appraisals of the non-cash assets in the estate should be obtained by the Real Estate Assets Department prior to the liquidation of these assets.
3. Appropriate recognition of the thoughtfulness and community spirit inherent in Ms. Cameron's wonderful philanthropic commitment should be expressed by the establishment of a named fund to be known as the Jane Cameron La Jolla Library Fund; and by City Council declaring the date of the Council's acceptance of the estate donation as Jane Cameron Day in the City of San Diego.

FISCAL IMPACT:

None.

Herring/Tatar/CY

Staff: Carol Young – (619) 236-5893
Deborah Berger – Assistant City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-S401: Two actions related to Grant Application to the State of California Governor's Office of Emergency Services (OES) for the Open Space Brush Management Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-822)

Authorizing the City Manager, or his representative, to apply to the State of California Governor's Office of Emergency Services (OES), for the purpose of obtaining certain federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance (Stafford Act), 42 C.S.C. 5133, as amended by the Disaster Mitigation Act of 2000 (DMA) for the Open Space Brush Management Program;

Authorizing the City Manager, or his representative, to take all necessary actions to secure grant funding from OES for the Open Space Brush Management Program, which includes providing OES all matters pertaining to such disaster assistance as the grant assurances and agreements require;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$856,097, encumbered via Auditors Certificate No. 2400926 by City Council Resolution No. R-299064, adopted April 12, 2004, to whichever of the Hazard Mitigation Grant Program DR-1498 or FY 2005 Pre-Disaster Mitigation Grant Program Open Space Brush Management Grants is received first, upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if grant funding is secured;

Authorizing the City Auditor and Comptroller to established a special interest-bearing fund for the grant.

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

* ITEM-S401: (Continued)

Subitem-B: (R-2005-842)

Certifying that Findings to Master Environmental Impact Report LDR No. 96-0333, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Application for Federal Grant Supporting Open Space Brush Management Program.

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the City Manager, or his representative, to apply for funding for program costs to implement proposed 100 foot brush management area in the City's open space for defense against impending fire. Of the 22,600 acres of open space land the City owns, an estimated 1,180 acres interface with structures. To manage the open space brush effectively, an estimated 590 of these urban wildland interface acres should be thinned each year. At the City's current budget levels only 70 acres of brush is thinned each year. The City cannot keep up with the current program requirements, and thinning additional acres to meet the proposed 100-foot from structure open space brush management requirement recommended by the Fire Chief will place an impossible demand on the budget.

The California Office of Emergency Services (OES) invited all eligible sub-applicants to apply for FY 2005 Pre-Disaster Mitigation Program Grants (PDM 05) for projects that meet program eligibility requirements. The City is an eligible sub-applicant in accordance with Section 2.3.2 of the PDM 05 Grant Guidance and the open space brush management program meets program eligibility requirements. Award notifications are expected in Summer 2005.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S401: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The brush thinning projects were previously submitted for Federal grant funds as a result of the Cedar fire. That application is still pending and may be rejected. Application for grant funding under two different programs is the reason for resolution 3. Resolution 3 allows the City match funding to be applied to either grant, whichever is approved first. On approval of either application, the remaining application will immediately be withdrawn.

FISCAL IMPACT:

FEMA Pre-Disaster Mitigation (PDM) grants are provided on a cost-share basis of 75 percent federal share and 25 percent non-federal share. The City will provide a 25 percent match as follows: \$856,097 currently encumbered via AC 2400926 pursuant to Council Resolution R-299064 approved April 12, 2004, and \$143,903 Park and Recreation Department's annual allocation for open space brush management (FY 06).

Arellano/Ghio/WFN

Staff: Bill Norris – (619) 533-4802

Shannon M. Thomas – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S402: Public Hearing: Various Surcharge Funded Underground Utility Districts.

(Various Community Plan Areas. Districts 1, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1025)

Calling for a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district are identified in CIP-37-028.0 "Annual Allocation - Underground of City Utilities", and will underground the overhead utility facilities within the designated districts.

The formation of this districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE). The City will also provide and plant a new tree for any property owners who are willing to take responsibility for the watering and caring of the tree until it becomes established.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S402: (Continued)

FISCAL IMPACT:

The construction cost and the other indirect costs such as administration, street light replacement, street improvement, minor City forces and other related work is estimated at \$15,679,594. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Mendes/Boekamp/AO

Staff: Nathan Bruner - (619) 533-3777

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-S403: Public Hearing: Various Underground Utility Districts with Mitigation Monitoring Reporting Program.

(Various Community Plan Areas. Districts 2, 3, 6, 7, & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1039)

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

Subitem-B: (R-2005-1041 Cor. Copy)

Certifying that Mitigated Negative Declaration Project No. 63220, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the following underground utility districts:

- District 2 Block 2-J, as described in Exhibit A, to this resolution and more particularly shown on Drawing No. 33492-1-D, and;
- District 3 Block 3-EE, as described in Exhibit B, to this resolution and more particularly shown on Drawing No. 33493-1-D and;
- District 7 Block 7-CC, as described in Exhibit C, to this resolution and more particularly shown on Drawing No. 33496-1-D, and;
- District 8 Block 8-G, as described in Exhibit D, to this resolution and more particularly shown on Drawing 33497-1-D and;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S403: (Continued)

Subitem-B: (Continued)

- Hotel Circle North from Circle South to Hotel Circle Place, as described in Exhibit E, to this resolution and more particularly shown on Drawing No. 33555-1-D.

That pursuant to California Public Resource Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding this project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP 37-028.0, "Annual Allocation – Underground of City Utilities," and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s), for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s), within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s).

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

* ITEM-S403: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form (PTE). The City will also provide and plant new trees for any property owner(s) who are willing to take responsibility for the watering and caring of the tree until it becomes established.

FISCAL IMPACT:

The construction cost and other indirect costs such as administration, archaeological monitoring, street light replacement, street improvement, minor City forces, and other related work, estimated at \$16,181,792. Funds will be available in Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Mendes/Boekamp/AO

Staff: Nathan Bruner – (619) 533-3777

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-S404: Residential Housing Agreement Related to Workers Compensation Obligations.

(Del Cerro Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1063)

Authorizing the City Manager to execute a Housing Agreement with Daniel Walters for the occupancy of City-owned residential property located at 5680 Genoa Drive in San Diego, under the terms and conditions set forth in the Housing Agreement.

CITY MANAGER SUPPORTING INFORMATION:

In 1995, the City acquired the property at 5680 Genoa Drive in Del Cerro as a result of a break in a street storm drain that caused a failure of the hillside to the rear of the property. The City has repaired the drain, stabilized the hillside and has been monitoring earth movement since May 2003. The City and engineering contractor employed by the City deemed the slope stable, and released the house for occupancy in July 2004. In 2003, a City Police Officer sustained catastrophic injuries while on duty. As a result of that injury, the City's Risk Management Workers Compensation Division is obligated to provide special needs living accommodations, and proposes to offer the house to the employee for the remainder of his life at no rent in lieu of other more costly options. The City could place the employee in a full care facility at an estimated monthly cost of \$21,900 or use the City property and modify the structure for the special needs accommodations for a one-time payment of \$156,480 and monthly cost between \$4,638 and \$8,358 over the life of the claim for nursing and housekeeping. Based on the officer's estimated life span of 22 years, the Risk Management Department proposes to save between \$3,418,608 and \$4,400,688 by modifying the City property to accommodate the officer's needs. The special needs include but are not limited to special equipment for mobility and daily living, modifications for home safety and ADA compliance. The terms of the proposed agreement are as follows:

LOCATION: 5680 Genoa Drive, San Diego, California 92120

TERM: For the life of the employee, with option to purchase by employee at fair market value, or until termination by either party.

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

* ITEM-S404: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

IMPROVEMENT MAINTENANCE: Employee shall be responsible for all interior non-structural maintenance including minor electrical and plumbing repairs, damages beyond normal wear and tear and all exterior landscape maintenance. The City shall maintain the structural components, major electrical and plumbing service.

RENT: The consideration for this agreement is the partial satisfaction of a claim under Workers' Compensation law between the employee and the City. Current monthly market rent is estimated between \$1,800 and \$2,200. The officer will not be charged rent.

FISCAL IMPACT:

There is no cost associated with the Housing Agreement itself, renovations to the home and ongoing medical expenses will be funded from the Workers' Compensation Fund in accordance with Workers' Compensation laws.

Herring/Griffith/DCM

Staff: Dave Martens – (619) 236-6066
Elisa A. Cusato – Deputy City Attorney